

AMENDED IN SENATE AUGUST 30, 2011

AMENDED IN SENATE JULY 14, 2011

AMENDED IN ASSEMBLY MARCH 22, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1352

Introduced by Assembly ~~Members Logue and Achadjian~~ *Member*
Logue
(Principal coauthor: Senator Wyland)

February 18, 2011

An act to add ~~Sections 6593.7 and~~ *Section 10752.7* to the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1352, as amended, Logue. ~~Taxation.~~ *Taxation: vehicle license fees.*

(1) ~~The Sales and Use Tax Law requires the payment of interest at a specified rate on a failure to timely pay taxes, specified prepayments, and amounts collected as tax under that law, from the date on which those amounts became due and payable to the state until the date of payment. That law authorizes the State Board of Equalization, in its discretion, to relieve all or any part of interest imposed under specified circumstances.~~

This bill would allow the members of the board, meeting as a public body, to relieve all or any part of the interest imposed, not to exceed a specified amount in a 12-month period, if the board finds, in its discretion, that a person's failure to make a timely payment, as defined, was due to extraordinary circumstances, as defined, and that it is inequitable to compute interest in accordance with existing law, and if

~~the person, among other things, pays the amount due on which the interest is imposed and files with the board a statement under penalty of perjury setting forth specified information. By requiring persons to make these statements under penalty of perjury, this bill would expand the circumstances under which a person may be convicted of the crime of perjury and thereby impose a state-mandated local program.~~

~~(2) The~~

~~The Vehicle License Fee Law establishes, in lieu of any ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state in the amount of 0.65% of the market value of that vehicle, as provided. Existing law requires a portion of those revenues to be deposited into the Local Law Enforcement Services Account in the Local Revenue Fund 2011, as provided.~~

~~This bill would state that designated vehicle license fee revenues shall not, for purposes of an ordinance of the County of Nevada that requires that any revenues derived pursuant to that vehicle license fee be expended fore a specified purpose, be deemed vehicle license fee revenues. The bill would define “designated vehicle license fee revenues” to mean vehicle license revenues that are collected and deposited into the Local Law Enforcement Services Account in the Local Revenue Fund 2011.~~

~~This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Nevada.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: yes-no.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 6593.7 is added to the Revenue and~~
- 2 ~~Taxation Code, to read:~~
- 3 ~~6593.7. (a) If the board finds in its discretion that a person’s~~
- 4 ~~failure to make a timely payment was due to extraordinary~~
- 5 ~~circumstances and that it is inequitable to compute interest in~~
- 6 ~~accordance with this part, the board may relieve all or any part of~~

1 the interest imposed on that payment, not to exceed the amount
2 specified in subdivision (b), if all of the following occur:

3 (1) The person was granted relief from all penalties that applied
4 to that payment.

5 (2) The person has paid the payment on which the interest was
6 imposed, or in the case of interest attributable to an unpaid liability
7 for which the person has filed a petition for redetermination, the
8 person pays the amount of the payment due on which the interest
9 was imposed within 30 days after service upon the person of the
10 final order or decision of the board on that petition for
11 redetermination.

12 (3) The person files a request for an oral hearing before the
13 board.

14 (4) The person files with the board a statement under penalty
15 of perjury setting forth the facts upon which he or she bases his or
16 her claim for relief and any other information which the board may
17 require.

18 (b) (1) The aggregate relief granted to all persons pursuant to
19 subdivision (a) shall not exceed fifty thousand dollars (\$50,000)
20 in a 12-month period. The board shall not exceed this
21 fifty-thousand-dollar (\$50,000) limitation without further statutory
22 authorization.

23 (2) The limitation specified in paragraph (1) shall not apply to
24 the relief provided by the board pursuant to Section 6593.

25 (c) For purposes of this section:

26 (1) "Board" means the members of the State Board of
27 Equalization meeting as a public body.

28 (2) "Extraordinary circumstances" means any of the following:

29 (A) The occurrence of a death or medical incapacity of the
30 person or the person's next of kin that caused the person's failure
31 to make a timely payment.

32 (B) The occurrence of an emergency, as defined in Section 8558
33 of the Government Code, that caused the person's failure to make
34 a timely payment.

35 (C) Criminal misconduct by a person, other than the person that
36 failed to make a timely payment, that caused the person's failure
37 to make a timely payment.

38 (3) Payment includes any of the following:

39 (A) A payment of tax.

1 ~~(B) A prepayment of tax on which interest is imposed under~~
2 ~~this part.~~

3 ~~(C) A payment of an amount of tax required to be collected and~~
4 ~~paid to the state.~~

5 ~~(d) Any relief granted under this section may be rescinded, and~~
6 ~~all interest liabilities may be reestablished, without regard to any~~
7 ~~statute of limitations that otherwise may be applicable, if the person~~
8 ~~fails to comply with paragraph (2) of subdivision (a).~~

9 ~~SEC. 2.~~

10 ~~SECTION 1.~~ Section 10752.7 is added to the Revenue and
11 Taxation Code, to read:

12 10752.7. Designated vehicle license fee revenues shall not, for
13 purposes of an ordinance of the County of Nevada that requires
14 that any revenues derived under this part be expended for any
15 specified purpose, be deemed vehicle license fee revenues as
16 defined in subdivision (a) of Section 15 of Article XI of the
17 California Constitution or this part. For purposes of this section,
18 “designated vehicle license fee revenues” means vehicle license
19 revenues that are collected under this part and are required by this
20 part to be deposited into the Local Law Enforcement Services
21 Account in the Local Revenue Fund 2011.

22 ~~SEC. 3.~~

23 ~~SEC. 2.~~ The Legislature finds and declares that a special law
24 is necessary and that a general law cannot be made applicable
25 within the meaning of Section 16 of Article IV of the California
26 Constitution because of the unique circumstances relating to a
27 local ordinance governing the expenditure of Vehicle License Fee
28 funds received by Nevada County.

29 ~~SEC. 4.~~ No reimbursement is required by this act pursuant to
30 ~~Section 6 of Article XIII B of the California Constitution because~~
31 ~~the only costs that may be incurred by a local agency or school~~
32 ~~district will be incurred because this act creates a new crime or~~
33 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
34 ~~for a crime or infraction, within the meaning of Section 17556 of~~
35 ~~the Government Code, or changes the definition of a crime within~~
36 ~~the meaning of Section 6 of Article XIII B of the California~~
37 ~~Constitution.~~